

CRB

M/S Review

2 February 1978

OGC Has Reviewed

MEMORANDUM OF AGREEMENT

SUBJECT: FOIA/PA POLICY OF HANDLING CONGRESSIONAL MATERIAL

Until Goland v. CIA is decided, it is agreed that the Central Intelligence Agency (CIA) will have the following procedures concerning Congressional material;

- A. Information recorded during an executive session of the Congress should be denied as being inaccessible under the Freedom of Information and Privacy Acts (Goland v. CIA). In addition, information given to the CIA with a clear understanding of confidentiality by a Committee or any member of Congress should also be denied as being inaccessible under the Freedom of Information and Privacy Acts (Sheinbaum v. CIA). The Office of Legislative Counsel (OLC) will seek Congressional confirmation of confidentiality with the appropriate Committee or member of Congress involved at the time of a Freedom of Information Act or Privacy Act request.
- B. The variety of other Congressional documents or Congressional information located should be referred to OLC for their determination as to whether the Congressional office of interest should be consulted. Any referrals to the Congressional office of interest shall go through OLC. There should be prior consultation by OLC with the Office of General Counsel as to the legal sufficiency of denying any material under the Freedom of Information Act or Privacy Act in all cases in which OLC anticipates a denial by the Congressional office of interest. (Example-Unedited transcripts).
- C. Information drawn from openly published Congressional documents may be released by JPS as public source material.

STATINTL

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